

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrate

SUBJECT:

U-13-16 for 1611 Mill Acres Drive, S.W.

DATE:

October 10, 2013

The applicant seeks a Special Use Permit (16-05.005(1)(g) for a Personal Care Home to operate in an single family residence located at 1611 Mill Acres Drive, S.W.

On October 7th the applicant's representative requested a 30 day deferral to allow additional time to work with staff on outstanding requests. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-NOVEMBER 2013

cc: James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308 404-330-6145 - FAX: 404-658-7491 www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

U-13-17 for 1223 Hardee Street, N.E.

DATE:

October 10, 2013

The applicant seeks a Special Use Permit (Section 16-06.005(1)(b)) for a **Preschool** to operate in an existing church located at 1223 Hardee Street, N.E.

FINDINGS OF FACT:

- <u>Property location</u>: The subject property fronts approximately 199 feet on the south side of Hardee Street and approximately 160 feet east of the intersection of Hardee Street and Screven Avenue. The property is located in the Edgewood Neighborhood of NPU O and Council District 5.
- <u>Property size and physical features:</u> The subject property is a 3.32 acre site that is developed with an existing church building. To the west and south of the building is a paved and striped parking lot. The property is relatively flat and several mature trees, which provides a natural buffer, surrounds the perimeter of the subject property.
- <u>Current/past use of property:</u> The subject property is currently occupied by a church. Staff is unaware of any previous uses.
- Surrounding zoning/land uses: The subject property is immediately adjacent to properties that are zoned the following: R-4A (Single Family Residential) and C-3-C (Commercial Residential). In close proximity to the subject property is the Edgewood Retail District.
- <u>Transportation system:</u> Moreland Avenue provides access to Hardee Street is an arterial street that is serviced by MARTA.

PROPOSAL:

The applicant is requesting a Special Use Permit for the "New Morning Community Preschool" to operate in an existing church building located at 1223 Hardee Street.

- a) <u>Ingress and egress</u>: Ingress and egress to the drop off and parking area is provided by two curb cuts on Hardee Street. The western curb cut is an ingress and egress access point while the eastern curb cut is egress only. The applicant has indicated that due to the hours of operation and the number of families enrolled, travel to and from the facility will be minimal.
- b) Parking and loading: The subject site currently contains 114 striped parking spaces. Approximately 25 families on alternating days will drop off/pick up their children and will have access to ample parking located to the west and south of the facility. Employees and service personnel will also utilize the available parking located onsite. Additionally, the applicant has proposed a drop off area/school entrance located on the western side of the church building which parents will utilize daily.
- c) Refuse and service areas: The refuse receptacle will be located along the eastern side of the building and the application has indicated that a private company will pickup refuse on a weekly basis. Service Personnel and deliveries can be made via the front entrance, two side entrances or the rear entrance.
- **d)** Buffering and screening: A natural tree buffer and privacy fence currently surrounds the perimeter of the subject property. The applicant has also proposed a designated play area which will be located approximately 10 feet away from the nearest residential property.
- e) Hours and manner of operation: The applicant will operate a "Parent's Morning Out" program which exempts the applicant from licensing and "operates for no more than one session of up to four (4) consecutive hours per day and which limits attendance to no more than eight (8) hours a week per child". The applicant's intent is to provide preschool services for approximately 40 children between the ages of 3 months to 5 years old. The proposed hours of operation will be Monday Friday from 9:00am 1:00pm. A maximum of 8 staff members will be employed at the facility with some working 3 days a week and others working 5 days a week. The applicant has proposed the following attendance schedule based on the ages of the children:
 - 2 years of age: Tuesday and Thursday
 - 3 years of age: Monday, Wednesday, Friday or Monday Friday
 - 3 months 23months: Monday Friday

The applicant has indicated that all children enrolled in the preschool will participate in community service projects and other activities such as: music, yoga, art, language, math, science, sensory, fine and gross motor and social development. Additionally, summer camp will be offered during the months of June and July on Monday – Friday from 9:00am – 1:00pm for a minimum of 2 weeks. The applicant has indicated that meals will not be prepared onsite and lunch/snacks will be provided by the parents.

f) **Duration:** a five (5) year duration has been requested by the applicant.

- g) Required yards and open space: The applicant has indicated that the required yards and open spaces will be met.
- h) <u>Tree Preservation and Replacement:</u> In the event that trees are removed on the subject property, the applicant has indicted that the City Arborist will be consulted.

CONCLUSIONS:

- a) Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access: The subject site has two points of ingress and egress as well as 114 striped parking spaces. Parents can circle the building to pick up and drop off their children without impeding traffic flow. Additionally, the existing driveways and parking will allow visitors, employees, deliveries and emergency personnel to access the site without impeding pedestrian safety, traffic flow or emergency access. Therefore, Staff is of the opinion that the proposed Ingress and Egress is sufficient.
- b) Off-street parking and loading: The site currently contains 114 parking spaces which provide enough parking for visitors and employees. Additionally, the children can be loaded and unloaded from vehicles utilizing the parking area or the drop off area which is located at the side entrance. Furthermore, emergency and service personnel will be able to park in the delineated parking area and utilize the several entrances to gain access to the facility. Therefore, Staff is of the opinion that the proposed off-street parking and loading areas are sufficient.
- c) Refuse and service areas: Use of a private company should be sufficient.
- d) <u>Buffering and screening:</u> No additional buffering or screening other than what exists appears to be necessary.
- e) Hours and manner of operation: The applicant has proposed to operate a half day program for preschool aged children Monday Friday between the hours of 9:00am 1:00pm. Staff notes that the New Morning Community Preschool has operated in the neighborhood at a different location for approximately 2 years. The children will be engaged in the community and will have a comprehensive and structured learning program. Therefore, Staff is of the opinion that the proposed hours and manner of operation are reasonable and the proposed preschool appears to be suitable for the proposed location.
- f) <u>Duration:</u> Staff is supportive of a limited duration which will allow for the evaluation of the operation of the facility at a later date.
- g) <u>Compatibility with policies related to tree preservation:</u> The applicant states all policies relating to tree preservation will be met.
- h) Required yards and open space: Required yards and open space shall be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

- 1. The special use permit shall be valid for a period of five (5) years from the date of Council adoption.
- 2. The special use permit for day care center shall be valid only as long as Deborah Vickery is the operator of the program.

cc: James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

U-13-18/U-05-31 for 2700 Butner Road, S.W.

DATE:

October 10, 2013

The applicant seeks to amend a **Special Use Permit** for a **Day Care Center** pursuant to Section 16-05.005 (1) (b) of the Zoning Ordinance to allow for the addition of a pre-engineered building on the property.

FINDINGS OF FACT

- <u>Property location</u>: The subject property fronts approximately 282 feet on the southeasterly side of Butner Road at the southeast intersection of Butner Road and Tell Road. It is in the Butner/Tell neighborhood of NPU-P, Council District 11.
- Property size and physical features: The subject property of 16,117 square feet is developed with a one-story stucco building that has been used as a day care center since 2005. The property is triangular in shape and the existing structure is positioned on the lot in a manner that places the northwest corner 1.7 feet away from the property line along Tell Road. The topography is relatively level but for the southeastern area of the parcel that slopes up from Tell Road. A fenced in play area is found in the northeast area of the site. A 14'x45' trailer has been placed adjacent to the play area on the south side of the property adjacent to Tell Road. Few trees are found on the property. There is a paved parking area on the north side adjacent to Butner Road and at the intersection of Tell and Butner Roads however the striping is poor and it is difficult to determine the number of parking spaces or the loading and unloading area on the site.
- <u>Current/past use of the property</u>: The property has been used for day care purposes under a special use permit since 2005. The special use permit was transferred to the applicant in 2008.

• <u>Transportation system</u>: Butner, Tell and County Line Roads are classified as local streets. The area is served by MARTA bus route #183 along County Line Road. No Sidewalks are found along any street frontages.

PROPOSAL:

The applicant requests an amendment to the site plan adopted in 2005 to allow a 14'x45(630 SF) pre-engineered building to remain on the property. The pre-engineered building has been added to the property to separate the school age children from children 4 years of age and under. The operation of the day care will not change. The 2,223SF building and pre-engineered building will require a total of 5 off-street parking spaces along with an area for the safe loading and unloading of children. The facility also offers pick-up and drop-off services for clients that reduces the number vehicular trips to the site. The applicant states the employees use public transportation.

- <u>Ingress and egress</u>: The applicant states ingress and egress to the site will not change
- <u>Parking and loading</u>: The applicant states the addition of the pre-engineered building will not alter the existing conditions on the property.
- Refuse and service areas: No information was provided about refuse and service areas.
- **<u>Buffering and screening:</u>** No modifications to the property are anticipated with regards to buffering and screening.
- Hours and manner of operation: The day care program will operate Monday-Saturday from 6:00 a.m. until 12:00 midnight. the application is not intended to change either the hours or manner of operation.
- **Duration:** The applicant requests an indefinite duration.
- Required yards and open space: The applicant indicates all yards and open space requirements are met.
- <u>Tree Preservation and replacement</u>: No tree removal is proposed.

CONCLUSIONS:

a) Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access: Based on the fact that the subject property has operated as a day care facility for the past eight (8) years and to Staff's knowledge without incident, the existing ingress and egress to the property should be adequate.

- b) Off-street parking and loading: The parking requirement for the day care facility is one off-street parking space per 600 square feet of floor area and would require 5 parking spaces. There appears to be adequate area on site to provide both the required off-street parking and a safe area for loading and unloading of children
- c) Refuse and service areas: The original staff report indicated the day care proposed to use City of Atlanta refuse services.
- d) **Buffering and screening:** The existing buffering and screening appear to be adequate.
- e) <u>Hours and manner of operation</u>: The hours and manner of operation as stated in the application are an expansion from what was noted in the original staff report. In 2005 it was noted the hours of operation to be Monday-Friday from 7am until 6pm. Furthermore the definition of a *Child Care Nursery* in the City of Atlanta Zoning Ordinance (16-29.001(7)) refers to "seven (7) or more children under the age of 17 separated from their parents or guardians during part of the day between 6:00 a.m. and 7:00 p.m.
- f) **Duration:** An indefinite duration is reasonable with conditions
- g) <u>Compatibility with policies related to tree preservation</u>: No trees are proposed to be removed from the site.
- h) Required yards and open space: Required yards and open space appear to be met.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance for a Special Use Permit conditioned upon

- 1. A site plan similar to one entitled "Proposed Site Plan for Butner Learning Center" by Lawrence A. Martin, P.E. dated 8/16/13 and stamped received by the Office of Planning September 24, 2013.
- 2. Adequately signed designated drop off located off of Tell Road for 1 year olds and infants.
- 3. Adequately signed one way parking in the same direction of drop off for 2 to 4 year olds.
- 4. The play area shall be fenced.
- 5. A letter of agreement to allow teachers to park at the church across Tell Road shall be presented to the Director of the Office of Planning.
- 6. The special use permit for a day care facility shall be valid only as long as Shiwila M. Willis is the operator of the facility. The special use permit is not transferable.
- 7. Hours of operation shall not exceed 6:00 a.m. to 7:00 p.m. daily.
- 8. The pre-engineered building shall be placed on a fixed foundation.

c: James Shelby, Commissioner, DPCD

Jacks, Charletta

From: Smith-Davids, Karl

Sent: Monday, September 23, 2013 2:31 PM

To: Jacks, Charletta Cc: Jackson, Racquel

Subject: Z-13-30: 1891-1901 Peachtree Rd. NE

Importance: High

See below.

From: Carl Westmoreland [mailto:CWestmoreland@mmmlaw.com]

Sent: Monday, September 23, 2013 2:19 PM

To: Smith-Davids, Karl

Cc: Wesley DeFoor; Robert L. Zoeckler; Jessica L. Hill

Subject: FW: Sign Posting Notification

Importance: High

Karl, this will serve as notification that we have replaced Ellen and Jim Ney as counsel for the applicant in this case. This matter is not ready to move forward at the Oct ZRB and I'll let you know the period for which we will request deferral when I can talk to the client. Let me know if you have questions.

From: Smith, Ellen W. [mailto:esmith@hnzw.com]
Sent: Monday, September 23, 2013 1:22 PM

To: Carl Westmoreland

Cc: Ney, James M.; Wesley DeFoor; bkern@cornerstonedp.com

Subject: FW: Sign Posting Notification

Importance: High

Carl -

Good afternoon. We understand that you have undertaken the representation of Cornerstone Development Partners, LLC in connection with the Cornerstone Medical Office Building Project (intersection of Collier and Peachtree Roads).

Please see the e-mail below, together with the attachments regarding the sign posting. Wesley picked up the sign that we had been given, together with the sign posting affidavit, last week. Accordingly, if it has been posted, it will have been since the termination of our representation of the client in this matter.

Please let us know if you need further information. We will be happy to notify the City that we are no longer working on this matter, but had presumed that you would do so.

Thanks.

Ellen

Ellen W. Smith, Esq. Holt Ney Zatcoff & Wasserman, LLP Dir: (770) 661-1216 Main: (770) 956-9600 LEED Green Associate



please don't print this e-mail unless you really need to

From: Jackson, Racquel [mailto:rtjackson@AtlantaGa.Gov]

Sent: Monday, September 23, 2013 1:02 PM



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrato

SUBJECT:

Z-13-29 for 957 and 961 Fair Street, S.W.

DATE:

October 10, 2013

AN ORDINANCE TO REZONE FROM THE R-5 (TWO FAMILY RESIDENTIAL) DISTRICT TO THE RG-1-C (RESIDENTIAL GENERAL-SECTOR 1 CONDITIONAL) DISTRICT FOR PROPERTY LOCATED AT 951 AND 961 FAIR STREET, S.W.

FINDINGS OF FACT:

- **Property location:** The property fronts approximately 75 feet on the north side of Fair Street beginning approximately 387.5 feet from the NW corner of Fair Street and Joseph E. Lowery Boulevard. It is located in the Ashview Heights Neighborhood of NPU-T in Council District 4.
- Property size and physical features: The subject property consists of two immediately adjacent lots 957 & 961 Fair Street; 957 Fair Street has 31 feet of frontage and 3,973 sq. ft. and 961 Fair Street has 44 feet of frontage and 5,497 sq. ft. of area. There is an existing single-family house on each lot, and the houses are situated on topography that is about 5-7 feet above the grade of the street. There are no driveways that access the property from the street, but there are pedestrian walkways which extend from the sidewalk to the center of the house.
- CDP land use map designation: Low-Density Residential.
- <u>Current/past use of property:</u> The properties have been zoned as two-family residential, but both have single-family residential structures on them.
- <u>Surrounding zoning/land uses:</u> The surrounding zoning is predominantly single-family and two-family residential, but there is also multi-family and institutional in the immediate area.
- <u>Transportation system:</u> The site fronts Fair Street, which connects to two main corridors Joseph Lowery Blvd, and Northside Drive. All streets are serviced by regular public transportation service.

PROPOSAL:

The applicant would like to rezone the property to RG-1 in order to provide a supportive housing facility using two existing single-family houses on two separate, but immediately adjacent lots.

- (1) <u>Compatibility with Comprehensive Development Plan (CDP); timing of development:</u> Both properties are compatible with the existing CDP land use of low-density residential.
- (2) Availability of and effect on public facilities and services; referrals to other agencies: The existing houses already have infrastructure, and there are no new additions proposed.
- (3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:

There is no property in the immediate area with the appropriate zoning for the use the applicant seeks. The adjacent area is mostly R-5 zoning. Although the adjacent properties have a residential designation, many of the homes are vacant, which has attracted homeless squatters, prostitutes, and drug addicts.

- (4) Effect on character of the neighborhood: The rezoning of the property from R-5 to RG-1 would not change the physical character of the neighborhood. Both dwellings would remain but would be renovated to allow for a proposed use as supportive housing. While there are no multifamily dwellings in the area, this rezoning with the proposed use would seek to stabilize the neighborhood by reducing the vacancy rate. The existing area suffers from crime, dilapidated properties, and a fractured neighborhood setting, much of which is contributed by misguided youth in the neighborhood.
- (5) <u>Suitability of proposed land use</u>: There are no known existing uses similar to that of the proposed subject property, but the need for the programs characteristic of the proposed supportive housing in this area has been demonstrated.
- (6) <u>Effect on adjacent property</u>: The applicant has cited that out of the 72 homes on Fair Street, 30 of them have been abandoned. The aforementioned crime laden neighborhood, excessive prostitution, homelessness, and drug activity have all had a negative effect on community building in the area. The rezoning of these properties would seek to begin a revitalization of the area.
- (7) <u>Economic use of current zoning</u>: As mentioned previously, there are several vacancies of existing properties along Fair Street, and the area has also suffered much from foreclosures and abandonments. The additional criminal activity that has been attracted as a result had deterred potential stable renters and homeowners from considering and/or revitalizing the area.
- (8) <u>Tree preservation</u>: No tree loss is expected, and since no development project is being proposed, there is no incompatibility with tree preservation policies.

Z-13-29 for 957 & 961 Fair Street October 10, 2013 Page 3 of 3

STAFF RECOMMENDATION: APPROVAL, of a substitute ordinance to rezone 957 and 961 Fair Street from R-5 to MR-1

cc: James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-13-30 for 1875, 1891, 1895 and 1901 Peachtree Road, N.E.

DATE:

October 10, 2013

The applicant seeks to rezone property from the C-3 (Commercial Residential), C-3-C (Commercial Residential-Conditional) and R-4 (Single Family Residential) to the C-3-C (Commercial Residential-Conditional) district.

The applicant has changed legal counsel and is thus requesting additional time.

STAFF RECOMMENDATION: 60-DAY DEFERRAL-DECEMBER 2013

cc: James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-13-31 for 627 Irwin Street, N.E.

DATE:

October 10, 2013

The applicant seeks to rezone property from the C-1-C/BL (Community Business-Conditional/BeltLine Overlay) district to the MR-4B/BL (Multi-Family Residential/BeltLine Overlay) district for development of nine (9) townhomes.

FINDINGS OF FACT:

- <u>property location:</u> The subject property fronts 100 feet on the on the south side of Irwin Street in the Old Fourth Ward neighborhood of NPU-M, Council District 2.
- <u>property size and physical features:</u> The subject property of approximately 0.46 acres is vacant but for two cinderblock columns. A retaining wall of approximately 5 to 6 feet in height is located along the front property line at the sidewalk. The retaining wall becomes perpendicular to Irwin Street creating an entrance to the property. The topography slopes up in a southwesterly direction and has a 16-foot change in grade.
- <u>CDP land use map designation:</u> The subject property has a land use designation of Low Density Commercial.
- <u>current/past use of property:</u> According to 1911 Sanborn Fire Insurance Maps the property previously contained 8 dwellings. However the property has been vacant for several years.
- <u>surrounding zoning/land uses:</u> The subject property is within a small Community Business District (C-1-C) on the north and south side of Irwin Street that over time has been developed with residential uses. The small area has a land use designation of Low Density Commercial. West of the area Residential General-Sector 2 (RG-2) zoning is found with a Low Density

Z-13-31 for 627 Irwin St., NE October 10, 2013 Page 2 of 3

Residential (9-16 units per acre) land use designation. Adjacent on the south of the subject property Two-Family (R-5) zoning is found

• <u>transportation system:</u> Irwin Street and Glen Iris Street just west of the site are designated as collectors. All other streets in the area are local streets and sidewalks are found on both sides of Irwin Street. The Atlanta BeltLine is east of the site and within 500 feet.

PROPOSAL

The applicant proposes the construction of nine (9) townhomes. The development specifications are:

| • | F.A.R | 1.49 permitted (33,525SF) | 0.90 proposed (18,000SF) |
|---|---------|-----------------------------|----------------------------|
| • | TOS | 0.68 required (13,600SF) | 0.72 proposed (14,000SF) |
| • | UOS | 0.40 required (8,000SF) | 0.64 proposed (12,800SF) |
| • | Parking | .87 space per unit required | 2 spaces per unit provided |

Staff has worked with the applicant on revising the site plan so that it will meet all requirements of the MR-4B zoning district and the BeltLine Overlay district and anticipates a revised site plan to be filed when the required Special Administrative Permit application is filed prior to issuance of a building permit.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject area of the site as Low Density Commercial and the zoning district requested (MR-4B) is compatible therefore no amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

- (3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: The zoning regulations indicate that this consideration is optional. The type of development proposed is similar to others in the area and should not have a negative impact on the land uses in the area.
- (4) <u>Effect on character of the neighborhood</u>: The development as proposed should not have a negative effect of the character of the neighborhood. Several townhome developments have been constructed along Irwin Street in the nearby area. This development would replace vacant property with new housing options for the area.

- (5) Suitability of proposed land use: No amendment to the land use map is required.
- (6) <u>Effect on adjacent property:</u> The subject property is surrounded by residential uses, some similar to what is proposed. As proposed the townhomes should have negligible effect on adjacent property.
- (7) <u>Economic use of current zoning</u>: While the current zoning has economic use the proposed development would be a better use of the land and complement with existing developments in the area.
- (8) <u>Tree Preservation:</u> The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

STAFF RECOMMENDATION: APPROVAL conditioned upon:

- 1. A site plan similar to one entitled "627 Irwin Street N.E. Proposed Site Plan" by Survey Land Express, Inc. and Gamble and Gamble Architects dated August 6, 2012 and stamped received by the Office of Planning, August 6, 2013. However, this condition shall not preclude application of the MR regulations.
- 2. Existing sidewalks and ramps along all property frontages shall be upgraded and/or repaired in order to meet current city and Americans with Disabilities Act standards.
- 3. The development shall not be gated to ensure stacking of vehicles does not occur across Irwin Street sidewalk and on Irwin Street.

c: James Shelby, Commissioner, DPC



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0304
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-13-41 for SPI-12 (Buckhead/Lenox Stations Special Public Interest

District) Map Amendments

DATE:

October 10, 2013

AN ORDINANCE BY ZONING COMMITTEE TO AMEND THE BUCKHEAD/LENOX STATIONS BLOCK AREA MAP TO INCORPORATE THE PROPERTY LOCATED AT 3463 (AKA 3465) PIEDMONT ROAD, N.E. AND ASSIGN A BLOCK AREA THERETO; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF ATLANTA TO REVISE THE BUCKHEAD/LENOX STATIONS DISTRICT STREET FRAMEWORK MAP AND TO REVISE THE BUCKHEAD/LENOX STATIONS HEIGHT FRAMEWORK MAP TO INCLUDE 3463 (AKA 3465) PIEDMONT ROAD, N.E. IN THE TRANSITION STATION AREA; AND FOR OTHER PURPOSES.

FINDINGS OF FACT:

- Property Location: The subject property at the northwest intersection of Piedmont Road and Lenox Road (The Loop) fronting approximately 575 feet on the east side of Piedmont Road and approximately 570 feet on the west side of Lenox Road (The Loop). The property is located in the North Buckhead neighborhood of NPU-B in Council District 7.
- Property Size and Physical Features: The net area of the subject property is 11.41 acres (497,111 s.f.) with a gross area of 12.98 acres (565,557 s.f.) The site has significant topography rising up from the existing curbcuts and sidewalks along both Piedmont Road and Lenox Road then leveling toward the center of the site approaching the existing 20 story office building and parking structure entry; however east of such parking structure and north of the drive leading to said parking structure a retaining wall is found where the

grade dramatically falls. This central northern area is substantially vegetated with mature trees with other mature trees spread throughout the site.

- <u>CDP Land Use Map Designation:</u> The Land Use Map for NPU-B has recently been updated to designate the subject property as Mixed Use.
- Current/Past Use of Property: The site has been partially previously developed in the late 1990's with a 20 story predominate office building of approximately 442,295 s.f. and seven (7) story attached parking structure of 1,329 parking spaces known collectively as 'Prominence at Buckhead'. Staff is unaware of any past use on the property other than that described.
- Surrounding Zoning/Land Uses: There is a wide variety of zonings and land uses in the immediate vicinity. Directly to the north of the subject site is single-family housing zoned R-4 with a Low Density Residential Land Use known as the Glenridge Place. Further north finds PD-H and R-3 zoning having Single-Family land use designations. To the immediate west and northwest is multiple office buildings known as 'Piedmont Center' built with a Planned Development – Office Commercial (PD-OC) zoning with an Office- Institutional land use designation. Across Piedmont Road slightly north are predominantly high density office buildings with Office Institutional (O-I) zoning and consistent Office- Institutional land use designation. Across Piedmont Road to the south is multi-family residential uses known as 'The Cambridge at Buckhead' with split Office Institutional (O-I) and Planned Development – Housing (PD-H) zoning and similarly split Office- Institutional and Medium Density Residential land use designations. Across the intersection of Piedmont Road and Lenox Road/Matheison Drive are predominantly lowdensity commercial uses zoned SPI-9, Subarea 4 with Low-Density Commercial land use designations. To the immediate east across Lenox Road is wide variety of commercial, office, hotel and residential uses including those known as 'Tower Place' all zoned SPI-12, Subarea 1 with a Mixed Use designation.
- Transportation System: Piedmont Road is known as GA state route #237 and is classified as an arterial street. All other streets in the surrounding area are classified as local streets with the next closest non-local street being GA-400 approximately 1,200 feet east of the subject site. Sidewalks are provided along both Piedmont Road and Lenox Road (the Loop) with connecting walkways to the existing building. MARTA bus route #5 follows along Piedmont Road adjacent to the subject site with the Buckhead MARTA station northern platform located approximately 1,600 feet (thru Tower Place) to the east.

PROPOSAL:

The SPI-12 maps need to be amended to include the site located at 3463 Piedmont Road, N.E. (a.k.a. 3465 Piedmont Road, N.E.) recently rezoned to SPI-12, Subarea 1 per Z-13-006 and assign a block area of 497,111 square feet consistent with the block area definition in Section 16-18L.005 of the City of Atlanta zoning ordinance as well as and reflect that Piedmont Road is a Primary Street consistent with the existing designation of Piedmont Road in other areas in SPI-12. The specific proposal is to allow the phased development of two (2) new multi-family residential buildings and parking structures in the central portion of the site. Phase One (1) would include 380

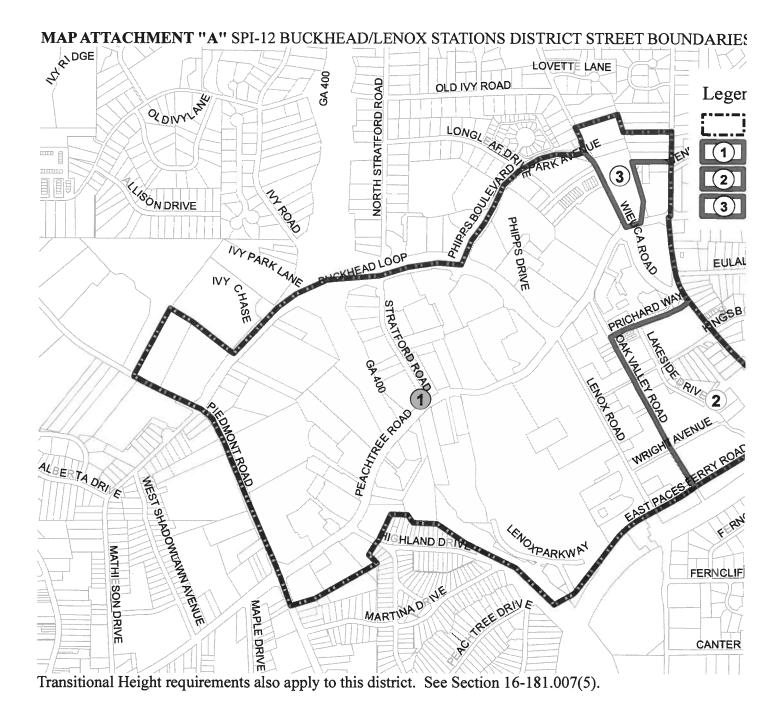
Z-13-041 for SPI-12 (Buckhead/Lenox Stations Special Public Interest District) Map Amendments October 10, 2013 Page 3 of 3

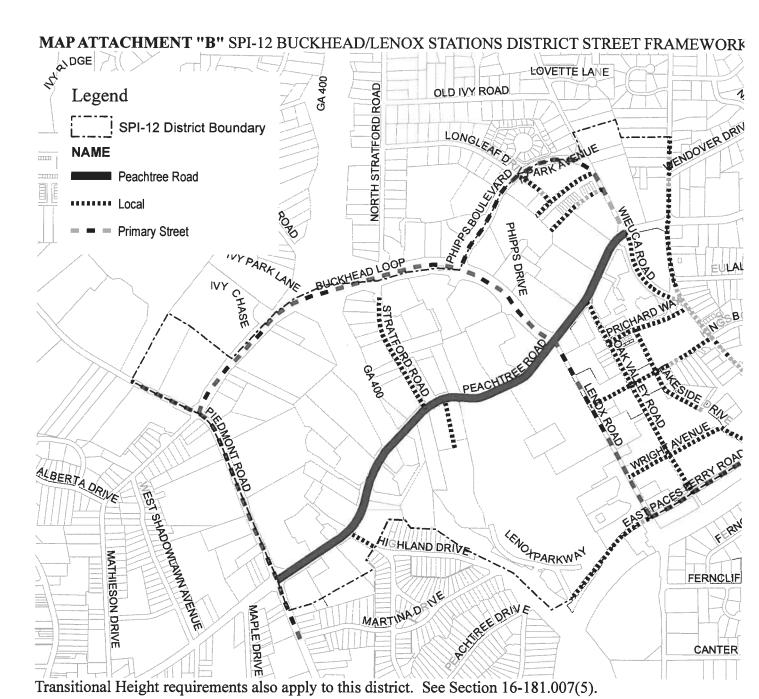
units of 26 stories and a eight (8) level parking deck to the north of the building while Phase Two (2) would commence two (2) years following Phase 1 and include 323 units of 19 stories and a four (4) level parking deck to the north of the building.

CONCLUSIONS:

- (1) <u>Compatibility with comprehensive development plan (CDP); timing of development:</u>
 The proposed legislation to amend the zoning maps would not change the current land use designation of properties within the SPI-12 district nor affect the timing of development for any proposed projects. Therefore, Staff notes that it is not applicable.
- (2) Availability of and effect of public facilities and services; referral to other agencies: This legislation does not propose any development or intend to rezone any property rather only apply zoning map amendments necessary due to Z-13-006. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (3) Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): This legislation does not propose any development rather only zoning map amendments necessary due to Z-13-006. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (4) <u>Effect on character of the neighborhood:</u> Staff is of the opinion that the proposed map amendments due to Z-13-006 would not affect the character of the neighborhood of North Buckhead.
- (5) <u>Suitability of proposed land use:</u> There would be no change in land use pertaining to the development of the property. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (6) <u>Effect on adjacent property:</u> Since no rezoning or development projects are being proposed as part of these map amendments these considerations are not applicable.
- (7) <u>Economic use of current zoning</u>: Since no rezoning or development projects are being proposed as part of these zoning map amendments these considerations are not applicable.
- (8) <u>Tree Preservation:</u> Since no development projects are being proposed as part of these map amendments these considerations are not applicable.
- (9) Other Considerations: This proposed map amendment for SPI-12 district is very limited to scope resulting from Z-13-006. Staff feels that this would have no adverse impact to the City or immediate neighborhood.

STAFF RECOMMENDATION: APPROVAL OF SUBSTITUTE ORDINANCE





MAP ATTACHMENT "C" SPI-12 BUCKHEAD/LENOX STATIONS DISTRICT HEIGHT FRAMEWORE LOVETTE LANE GA 400 Legend NORTH STRATFORD ROAD OLD IVY ROAD SPI-12 District Boundary LONGLEAR Peachtree Frontage Area Transit Station Area Roxboro Road Transitional Height Line EULAL LAKSIDE DRIVE ALBERTA DRIVE

MARTINAD NE

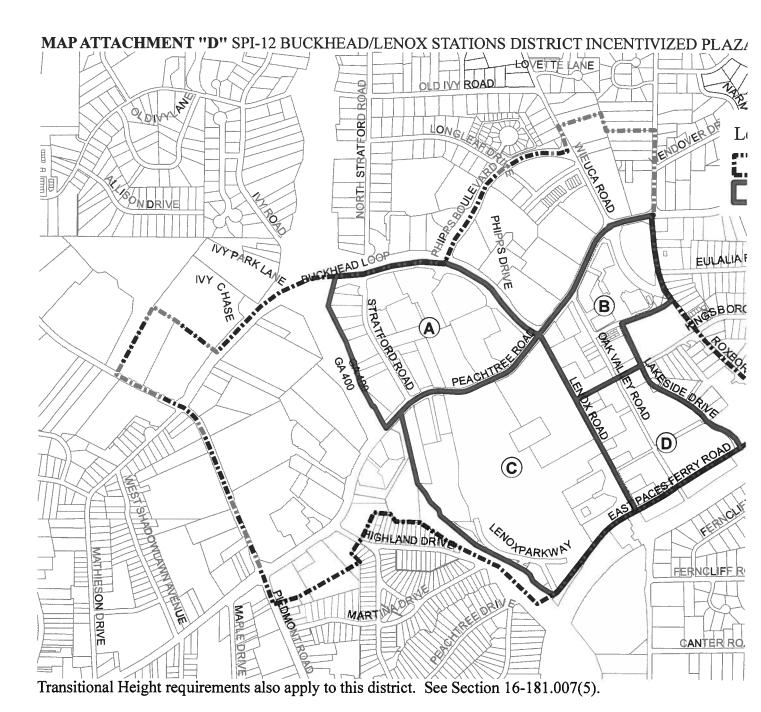
ENOTPARKWE!

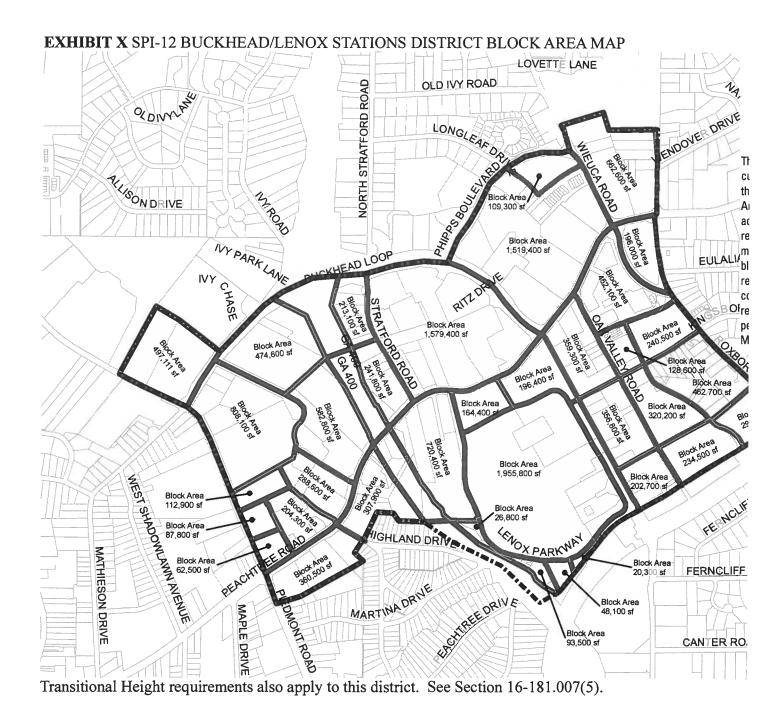
FERNOLIF

CANTER

MAPLE DRIVE Transitional Height requirements also apply to this district. See Section 16-181.007(5).

MATHI SON DRIVE







DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-13-40 An ordinance to amend zoning regulations for SPI-18 Mechanicsville

Special Public Interest District Regulations.

DATE:

October 10, 2013

AN ORDINANCE TO AMEND THE SPI-18 MECHANICSVILLE NEIGHBORHOOD SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS OF THE 1982 ATLANTA ZONING ORDINANCE AS AMENDED, SO AS TO PERMIT EXISTING SURFACE PARKING LOTS ACCESSORY TO PERMITTED NON-RESIDENTIAL PRINCIPAL USES IN SUBAREAS 3, 4, 5, 6 AND 9 FOR PARK-FOR HIRE OPERATIONS DURING EVENTS AT TURNER FIELD; AND FOR OTHER PURPOSES FINDINGS OF FACT:

- **Property location:** The proposed legislation impacts property located within SPI 18 and in subareas 3,4,5,6, & 9. SPI-18 is included in Council District 4, and NPU-V.
- Property size and physical features: SPI-18 is located south of the Atlanta downtown business and bounded by I-20 to the north, I-75/85 to the east, and a railroad corridor to the west.
- <u>CDP land use map designation</u>: The Land Use Map includes a variety of land use designations including single-family, medium density residential, low density commercial, and mixed use.
- <u>Current/past use of property:</u> The properties in SPI-18 are zoned for residential and commercial uses.
- <u>Surrounding zoning/land uses:</u> Surrounding zoning includes residential and commercial classifications and land uses designated for single family, medium density residential and low density commercial.
- <u>Transportation system:</u> The SPI-18 district includes several collector and local streets as well as state routes.

Z-13-40 - An ordinance to amend zoning regulations for SPI-18 Mechanicsville Special Public Interest District Regulations.

October 10, 2013 Page 2 of 3

PROPOSAL:

The text amendment proposes to ease existing restrictions for certain park-for-hire surface parking lots within SPI-18. These amendments would establish this in the following manner:

- 1) Adding an entry to the existing use table labeled "Park-for-hire surface parking lots on non-residential uses in existence on 6/1/2013 and meeting the requirements of Section 16-18R.021(6)", and labeling SPI-18 subareas 3, 4, 5, 6, and 9 with a "PA" indicating a permitted accessory use.
- 2) Amending the existing paragraph in Section 16-18R.021(6) so that it reads as follows: "Accessory parking decks built to satisfy the parking requirements of this section shall be permitted to be used as park-for-hire parking decks. Park-for-hire parking decks built to provide parking spaces in excess of the parking requirements of this section 16-18R.021 shall only be permitted as a primary use through the special permit process as authorized in section 16-18R.005. Existing surface parking lots accessory to non-residential principal uses as of 6/1/2013 may be used for park-for-hire operations during events at Turner Field. Said operations shall be accessory to the principal use and shall only be permitted where such park-for-hire operation possesses:
 - a. A valid business license; and
 - b. A park-for-hire permit authorized by Article XVII of Chapter 30 of the Atlanta City Code.

CONCLUSIONS:

- (1) Compatibility with Comprehensive Development Plan (CDP); timing of development:

 There is no development associated with this zoning amendment, and it the terms only apply to existing surface parking lots which meet certain criteria. Although subareas 4, 5, and 6 have residential land uses, the subject properties with the existing uses that this ordinance addresses have maintained a previous legal non-residential use.
- (2) <u>Availability of and effect on public facilities and services; referrals to other agencies</u>:

 There would be no effect on public facilities and services since the text amendment would not result in a development project.
- (3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:

 Since no development project is being proposed these considerations are not applicable.
- (4) Effect on character of the neighborhood:
 - The amendment will help to protect the surrounding neighborhoods by reducing the likelihood of an influx of stadium patrons parking along the residential streets, which may cause parking conflicts between the residents of the community. It could also promote economic development within the neighborhood by generating new local businesses, which may attract patrons using the parking in the area for special events before their events begin, or once they end.

Z-13-40 - An ordinance to amend zoning regulations for SPI-18 Mechanicsville Special Public Interest District Regulations.

October 10, 2013 Page 3 of 3

(5) Suitability of proposed land use:

There are no development projects being proposed, but the surface parking areas this amendment addresses are within the vicinity of public attractions which rely on the available parking in the nearby area to operate.

(6) Effect on adjacent property:

Adjacent properties may experience more business with the increase of more park-for-hire surface parking lots during special events in the area.

(7) Economic use of current zoning:

No rezoning is being proposed so this consideration is not applicable.

(8) <u>Tree preservation</u>:

No tree loss is expected, and since no development project is being proposed, there is no incompatibility with tree preservation policies.

STAFF RECOMMENDATION: APPROVAL.

cc: James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308 404-330-6145 - FAX: 404-658-7491 www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-12-36 for 3519 Roxboro Road, N.E.

DATE:

October 10, 2013

The applicant has amended their request and now seeks to rezone property from the R-3 (Single Family Residential) District to the PD-H (Planned Development Housing) District.

The applicant has requested additional time to discuss this new zoning category with the neighborhood.

STAFF RECOMMENDATION: 60-DAY DEFERRAL-DECEMBER 2013

cc:

James Shelby, Commissioner, DPCD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO:

Zoning Review Board

FROM:

Charletta Wilson Jacks, Zoning Administrator

SUBJECT:

Z-13-10 for 3700 Peachtree Road, N.E.

DATE:

October 10, 2013 (Deferred May 9, July 11 & September 12, 2013)

The applicant seeks to rezone property from the RG-2 (Residential General-Sector 2) district to the RG-3 (Residential General-Sector 3) district for development of nine (9) townhomes.

FINDINGS OF FACT:

- <u>property location</u>: The subject property fronts approximately 99 feet on the on the north side of Peachtree Road in the Brookhaven neighborhood of NPU-B, Council District 7. The property also has 105 feet of frontage on Vermont Road.
- <u>property size and physical features:</u> The subject property of approximately 2.45 acres is developed with a two story residential structure, a one-story detached garage and two (2) one-story accessory structures in varying degrees of disrepair. The topography slopes down at the rear of the main structure to the larger accessory structure.
- <u>CDP land use map designation:</u> The subject property has a land use designation of Medium Density Residential for approximately the first 300 feet of depth. The remaining area has a land use of Single Family Residential.
- <u>current/past use of property:</u> Staff is unaware of any previous use on the property.
- <u>surrounding zoning/land uses:</u> Along Peachtree Road properties are zoned RG-2 and 3 (Residential General-Sector 2 and 3) with a Medium Density land use. The majority of the properties north of Peachtree Road, at the rear of the site, are zoned R-3 (Single Family Residential) with a Single Family Land use.

• <u>transportation system:</u> Peachtree Road is a multi-lane major north/south arterial (State Route 141). All other streets in the nearby area are local residential streets. The Brookhaven Transit station is north of the site and the Buckhead and Lenox Transit stations are south and southeast of the site. MARTA bus route #25 serves the area. Sidewalks are present along Peachtree Road.

PROPOSAL

The applicant proposes to rezone approximately 300 feet of property depth from RG-2 to RG-3 to enable the construction of nine (9) townhomes. The development specifications are:

| • | F.A.R | 0.696 permitted (23,507.4SF) | 0.696 proposed (23,508SF) |
|---|---------|------------------------------|---------------------------------|
| • | TOS | 0.69 required (16,784SF) | 0.72 proposed (17,514SF est.) |
| • | UOS | 0.40 required (6,016SF) | 0.445 proposed (6,69208SF est.) |
| • | Parking | .99 space per unit required | 2 spaces per unit provided |

Additionally the remaining RG-2 land area will be developed with three (3) townhomes where five (5) guest parking spaces would be provided at rear of the additional townhomes. The area of the site with frontage on Vermont Road and zoned R-3 will be developed with a single family home. A large area of green space will separate the single family home from the townhomes.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject area of the site as Medium Density Residential and the zoning district requested (RG-3) is compatible therefore no amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

- (3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The type of development proposed is similar to others in the area and should not have a negative impact on the land uses in the area.
- (4) <u>Effect on character of the neighborhood</u>: The development as proposed should not have a negative effect of the character of the neighborhood. Several townhome developments have been constructed along Peachtree Road in the nearby area. This development would replace vacant residential structures in varying degrees of disrepair with new housing options for the area.

- (5) Suitability of proposed land use: No amendment to the land use map is required.
- (6) <u>Effect on adjacent property:</u> The subject property is surrounded by residential uses, some similar to what is proposed. As designed it does not appear any variances would be required. As proposed the townhomes should have negligible effect on adjacent property.
- (7) <u>Economic use of current zoning</u>: While the current zoning has economic use the proposed development would be a better use of the land and complement the existing developments in the area.
- (8) <u>Tree Preservation:</u> The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

STAFF RECOMMENDATION: APPROVAL conditioned upon:

- 1. A site plan entitled "3700 Peachtree" by Eberly & Associates dated 08/21/13 and stamped received by the Office of Planning, September 18, 2013. However, this condition shall not preclude application of the RG regulations.
- 2. Existing sidewalks and ramps along all property frontages shall be upgraded and/or repaired in order to meet current city and Americans with Disabilities Act standards.
- 3. The driveway on Vermont Road shall be moved further southeast away from the blind corner.
- 4. Stop bar and STOP sign shall be installed on the eastbound Vermont Road approach to the intersection just northwest of the proposed driveway on Vermont Road.
- 5. The development shall not be gated to ensure stacking of vehicles does not occur across Peachtree Road sidewalk and on Peachtree Road.

xc: James Shelby, Commissioner, DPC